

REMARKS

Claims 1-34 are pending. The specification is objected to, based on an informality. Claims 25-31 stand rejected under 35 USC § 101. Claims 1-25 are rejected under 35 USC § 112, second paragraph. Claims 1, 8-14, 20, 23-26, and 32-34 are rejected under 35 USC § 102(e). Claims 2-7, 15-19, 29, and 30-31 are rejected under 35 USC § 103(a). Claim 1 is provisionally rejected on the ground of non-statutory obviousness-type double patenting. Applicants respectfully traverse the rejections. Claims 1, 2, 3, 13, 16, 17, 20, 23, 25, 27, 28, 29, and 31, are hereby amended. No new matter is added.

The Specification Objection

The specification stands objected to because of an informality. Applicants have amended the specification with the correct reference number, no new matter has been added. Applicants respectfully requests withdraw of the objection to the specification.

Claim Rejections - 35 U.S.C. §101

Claims 25-31 are rejected under 35 U.S.C. § 101 as not being limited to statutory subject matter because, as asserted in the instant Office Action, the claims “are not limited to tangible embodiments.” Without prejudice or disclaimer as to the nature of the subject matter disclosed in claims 25-31, claim 25 is hereby amended to recite a “computer-readable storage medium.” Accordingly, it is requested that the rejection, under 35 U.S.C. § 101, of claims 25-31 be reconsidered and withdrawn.

Claim Rejections - 35 U.S.C. §112

Claims 1-25 are rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Claims 1, 2, 3, 13, 16, 17, 20, 23, 25, 27, 28, 29, and 31 have been amended to more clearly and definitely claim the invention sought to be patented. No new matter has been added. Accordingly, it is requested that the rejections, under 35 U.S.C. § 112, second paragraph of claims 1-25 be reconsidered and withdrawn.

Claim Rejections - 35 U.S.C. §102(e)

Claims 1, 8-14, 20, 23-26, 32-34 are rejected under 35 U.S.C. § 102(e) as being unpatentable over an article by Paul England, "A Trusted Open Platform, IEEE Computer Society, July 2003, pp 55.62) (hereinafter referred to as "England").

Applicants respectfully submit that the Examiner is not giving patentable weight to various aspects of the claim, and that each and every element of the claim is not found in the England reference.

Claim 1 as amended includes :

(Currently Amended) A system that manages the partitioning of an application comprising:

a base layer that hosts the operation of a first environment and a second environment, the application comprising:

a first software object that executes in said first environment, said first software object handling a plurality of data and including logic to identify a first of said plurality of data as not processable by said first software object; and

a second software object that executes in said second environment and that processes said first of said plurality of data in a manner that resists tampering with said first of said plurality of data,
said base layer comprising or hosting logic that receives said first of said plurality of data from said first software object and routes said first of said plurality of data to said second environment.

Applicants respectfully submit that each and every element of the claim is not found in England. For example, England is silent as to the claimed aspect of the base layer hosting logic that receives data from the first software object and routes the data to the second environment. As stated on England, Page 59, first Paragraph, line 6, "A machine monitor isolates the two systems to prevent them from interfering with each other." On the Trusted mode side, England, Page 59, Paragraph 2, line 2 , "However, the authenticated operation primitives enable each operating system to execute free of subversion or surveillance risk

from other operating systems.” Applicants submit that England does not explicitly state or describe how data moves about the machine, possibly from the normal mode to Trusted mode, as presently claimed. Actually, England continues at Page 59, Paragraph 2, line 5, that “Similarly, successful operating systems and nexuses can host any application but will provide authenticated operation primitives that protect hosted applications from other applications or operating systems.” Applicants submit that the base layer as claimed is not described in England or the other claims. All England states about the Nexus, in Fig. 2. description, is that, “The nexus hosts applications called agents that run in an isolated address space and have access to authenticated operation primitives. Again, no disclosure is found regarding the machine monitor sending data from Normal mode to Trusted mode.

Expanded to claim 13 regarding the previous argument, no disclosure is found for such providing the different types of data to the second environment.

Expanded to claim 25, no disclosure is found for such routing of different types of information.

Furthermore Applicants submit that no disclosure is found in England regarding the patentable weight given to the aspect that an “Application” is split functionally between England first and second environments, as directly claimed in Claims 1 and 32. England does not discuss a single application being split functionally between two operating systems, but that secure operations of an application may be segmented via machine partitioning. No disclosure of an application partitioning between a normal mode and trusted mode is actually described. The watching or authentication function occurs on the Trusted side, not on the normal side.

Applicant respectfully requests the Examiner to identify where in England an Application is split between the two environments (in England- Normal and Trusted environments). Access control and assurance decisions are made in each separate environment, with authenticated operation in the trusted or Nexus side of the computer.

The remarks and arguments provided above with respect to claim 1, also apply to claims, 8-14, 20, 23-26, 32-34.

Further regarding claim 8, Applicants respectfully submit that Examiner's assignment of England's elements to claimed elements is incorrect. Examiner states that a Code ID is equivalent to the Claimed Identifier, and that the base layer is equivalent to a machine monitor. The Code ID the Examiner references in England are in Seal and Unseal primitives, by the example given, found in either hardware, or an operating system (England, page 57, Paragraph 1), and in Fig. 1, and 2. No disclosure is found for a machine monitor (which actually runs above a base layer platform Boot process, BIOS, or Optional ROM firmware as found on England Page 59, Paragraph 4) to incorporate such first identifier assignment cryptographic mechanism. Actually, the England disclosure teaches that such ID service providers are located in the Nexus operating system section boot section (England, Page 59, Paragraph 4-5), not in the machine monitor.

In review of the above remarks and arguments and amendments, it is requested that the rejection of claims 1, 8-14, 20, 23-26, and 32-34, under 35 U.S.C. § 102, be reconsidered and withdraw.

Claim Rejections - 35 U.S.C. §103

Claims 2-7, 15-19, 29, 30-31

Claims 2-7, 15-19, 29, 30-31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over England above, further in view of U.S. Patent Application No. 2005/0033980, in the name of Willman (hereinafter referred to as "Willman")

Claims 2-7, 15-19, 29, 30-31 depend either directly or indirectly upon allowable independent claims discussed and argued above regarding the 102 rejections, and are allowable for the same reasons. England does not teach each and every element of the rejected claim's respective independent base claim, notwithstanding any possible addition of the teachings of Willman.

Regarding Claims 3, 4, 15, 17, and 29, Applicant submits that the Examiner's rejection fails in that no description, teaching or description of size or location of the potentially displayed encrypted text or graphics is shown or described in Willman, at all. Therefore there is no such teaching or suggestion to be possibly combined with England.

Claims 21-22, 27-28

Claims 21-22, 27-28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over England above, further in view of U.S. Patent 5,859,966, in the name of Hayman (hereinafter referred to as "Hayman")

Claims 21-22, 27-28 depend either directly or indirectly upon allowable independent claims discussed and argued above regarding the 102 rejections, and are allowable for the same reasons. England does not teach each and every element of the rejected claim's respective independent base claim, notwithstanding any possible addition of the teachings of Hayman.

Applicants submit the above without admitting, and further reserving the right to challenge, whether the applied art, is actually prior art under 35 U.S.C. §§ 102 and 103..

Claim Rejection – Provisional Non-Statutory Obviousness-Type Double Patenting

Claim 1 is provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application 10/638,199 (Publication No: US 2005/0033980). As characterized in the instant Office Action, "[c]laim 1 maps into claims 1 and 2 of the copending application." A terminal disclaimer to obviate this provisional rejection and a statement under 37 CFR 3.73(b) are submitted herewith. Accordingly, it is requested that the nonstatutory obviousness-type double patenting rejection of claim 1 be reconsidered and withdrawn.

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PATENT

CONCLUSION

It is requested that the forgoing arguments, remarks, and amendments be entered. In view of the foregoing arguments, remarks, and amendments, it is respectfully submitted that this application is in condition for allowance. Reconsideration of this application and an early Notice of Allowance are respectfully requested. In the event that the Examiner cannot allow this application for any reason, the Examiner is encouraged to contact the undersigned attorney to discuss resolution of any remaining issues.

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